

AMENDED IN SENATE MARCH 24, 2010

SENATE BILL

No. 1350

Introduced by Senator Kehoe

February 19, 2010

An act to amend Section ~~5002.3~~ of ~~11011.13~~ of, and to add Section 11011.19 to, the Government Code, and to add Section 6009 to the Public Resources Code, relating to ~~parks and recreation~~ public lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, as amended, Kehoe. ~~Parks and recreation: State Park and Recreation Commission hearings. Public Lands: records and uses.~~

Existing law requires the Department of General Services to maintain a complete and accurate statewide inventory of all real property held by the state and to categorize that inventory by agency and geographical location. Existing law defines "agency" for that purpose as any state agency, department, division, bureau, board, commission, district agricultural association, and the California State University, and excludes from that definition the Legislature, the University of California, and the Department of Transportation.

This bill additionally would exclude from that definition of "agency" the State Lands Commission, and would require the commission, by July 1, 2011, to furnish to the Department of General Services a record of each parcel of real property, excluding public trust lands, that the commission possesses that is not already being tracked by the statewide property inventory database. The bill would require the commission to update its record of these real property holdings, reflecting any changes, by July 1 of each year.

The bill also would include legislative findings and declarations regarding public trust lands.

~~Existing law requires the State Park and Recreation Commission to classify units of the state park system. The commission is required to schedule a public hearing to consider the classification or reclassification of a unit or approval of the Department of Parks and Recreation's general plan for a unit. Existing law establishes notice requirements for the hearing, including that if the notice of hearing is in a weekly newspaper, a requirement that it appear in the newspaper on at least 2 different days of publication, or that if the notice is in a newspaper that is published more often, a requirement that there be at least 5 days from the first to the last day of publication. Existing law also requires the hearing to be held not less than 30 days, and not more than 60 days, after the last date of publication of the notice.~~

~~This bill instead would require the notice to appear on at least 3 different days of publication if the notice is in a weekly newspaper, or, if the notice is in a newspaper that is published more often, that there be at least 7 days from the first to the last day of publication. The bill instead would require the hearing to be held not less than 45 and not more than 90 days after the last date of publication of the notice.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11011.13 of the Government Code is
- 2 amended to read:
- 3 11011.13. For purposes of Section 11011.15, the following
- 4 definitions shall apply:
- 5 (a) "Agency" means ~~any~~ a state agency, department, division,
- 6 bureau, board, commission, district agricultural association, and
- 7 the California State University. "Agency" does not mean the
- 8 Legislature, the University of California, *the State Lands*
- 9 *Commission*, or the Department of Transportation.
- 10 (b) "Fully utilized" means that 100 percent of the property is
- 11 being appropriately utilized by a program of an agency every
- 12 business day of the year.
- 13 (c) "Partially utilized" means one or more of the following:
- 14 (1) Less than 100 percent of the property is appropriately utilized
- 15 by a program of an agency.
- 16 (2) The property is not used every business day of the year by
- 17 an agency.

1 (3) The property is used by other nonstate governmental entities
2 or private parties.

3 (d) “Excess land” means property that is no longer needed for
4 either an existing or ongoing state program or a function of an
5 agency.

6 *SEC. 2. Section 11011.19 is added to the Government Code,*
7 *to read:*

8 *11011.19. (a) The State Lands Commission, by July 1, 2011,*
9 *shall furnish to the Department of General Services a record of*
10 *each parcel of real property that it possesses that is not already*
11 *being tracked by the statewide property inventory database. This*
12 *furnishing requirement shall not apply to public trust lands. The*
13 *record shall be furnished by the State Lands Commission to the*
14 *Department of General Services in a uniform format specified by*
15 *the Department of General Services. The Department of General*
16 *Services shall consult with the State Lands Commission on the*
17 *development of the uniform format. The State Lands Commission*
18 *shall update its record of these real property holdings, reflecting*
19 *any changes, by July 1 of each year. Except as provided in*
20 *subdivision (b), the record shall include all of the following*
21 *information:*

22 *(1) The location of the property within the state and county, the*
23 *size of the property, including its acreage, and any other relevant*
24 *property data.*

25 *(2) The date of acquisition of the real property, if available.*

26 *(3) The manner in which the property was acquired and the*
27 *purchase price, if available.*

28 *(4) A description of the current uses of the property and any*
29 *projected future uses, if available.*

30 *(5) A concise description of each major structure on the*
31 *property.*

32 *(b) For school lands held in trust by the State Lands*
33 *Commission, the record shall include the location of the property*
34 *within the state and county and the size of the property, including*
35 *its acreage.*

36 *SEC. 3. Section 6009 is added to the Public Resources Code,*
37 *to read:*

38 *6009. The Legislature finds and declares all of the following:*

39 *(a) Upon admission to the United States, and as incident of its*
40 *sovereignty, California received title to the tidelands, submerged*

1 *lands, and beds of navigable lakes and rivers within its borders,*
2 *to be held subject to the public trust for statewide public purposes,*
3 *including commerce, navigation, fisheries, and other recognized*
4 *uses, and for preservation in their natural state.*

5 *(b) The state's power and right to control, regulate, and utilize*
6 *its tidelands and submerged lands when acting within the terms*
7 *of the public trust is absolute.*

8 *(c) Tidelands and submerged lands granted by the Legislature*
9 *to local entities remain subject to the public trust, and remain*
10 *subject to the oversight authority of the state by and through the*
11 *State Lands Commission.*

12 *(d) Grantees are required to manage the state's tidelands and*
13 *submerged lands consistent with the terms and obligations of their*
14 *grants and the public trust, without subjugation of statewide*
15 *interests, concerns, or benefits to the inclination of local or*
16 *municipal affairs, initiatives, or excises.*

17 *(e) The purposes and uses of tidelands and submerged lands is*
18 *a statewide concern.*

19 *SEC. 4. The addition of Section 6009 to the Public Resources*
20 *Code by Section 3 of this act does not constitute a change in, but*
21 *is declaratory of, existing law.*

22 ~~SECTION 1. Section 5002.3 of the Public Resources Code is~~
23 ~~amended to read:~~

24 ~~5002.3.—(a) A public hearing shall be scheduled by the State~~
25 ~~Park and Recreation Commission to consider each matter of~~
26 ~~classification or reclassification of a unit and of approval of the~~
27 ~~department's general plan for a unit. Notice of the hearing shall~~
28 ~~be posted in plain sight at one or more places within the affected~~
29 ~~unit, published in one or more newspapers of general circulation~~
30 ~~in each county within which the affected unit is located, and mailed~~
31 ~~to every person who has filed a request for notice of the hearing~~
32 ~~with the commission. If the notice of hearing is published in a~~
33 ~~weekly newspaper, it shall appear therein on at least three different~~
34 ~~days of publication; and if in a newspaper published more often,~~
35 ~~there shall be at least seven days from the first to the last day of~~
36 ~~publication, both days included. The content of the notice of~~
37 ~~hearing shall substantially comply with the requirements of Section~~
38 ~~11346.5 of the Government Code.~~

39 ~~(b) Copies of the department's inventory of features, in the case~~
40 ~~of a hearing on classification or reclassification, or copies of the~~

1 department's general plan, in the case of a hearing on approval of
2 the plans, shall be made available to the public at the department's
3 appropriate regional and district offices on the last date of
4 publication of the notice.

5 (e) The hearing shall be held by the commission in, or within a
6 radius of 100 miles of, the City of San Diego, Los Angeles, San
7 Francisco, San Bernardino, Eureka, Redding, Fresno, Ukiah,
8 Monterey, San Luis Obispo, Santa Barbara, or Sacramento;
9 whichever is closest to the unit affected, not less than 45 days, nor
10 more than 90 days, after the last date of publication of the notice.

11 The hearing shall be conducted in the manner specified in Section
12 11346.8 of the Government Code. The vote of each individual
13 member of the commission on each matter of classification or
14 reclassification and of approval of the department's general plan
15 shall be recorded when the final decision of the commission is
16 announced.